

**ASSEMBLY BILL**

**No. 1410**

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**Introduced by Committee on Veterans Affairs (Muratsuchi (Chair),  
Chávez (Vice Chair), Brown, Eggman, Fox, Grove, Melendez,  
Salas, and Yamada)**

March 13, 2013

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An act to amend Section 450 of, and to add Sections 455.1, 458.1, and 458.2 to, the Military and Veterans Code, relating to military courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1410, as introduced, Committee on Veterans Affairs. Courts-Martial Appellate Panel.

Existing law provides that the military courts of this state are general courts-martial, special courts-martial, summary courts-martial, and courts of inquiry. Existing law provides that general, special, and summary courts-martial have the power to try and adjudge specified members of the military. The authority to adjudge includes specified types of punishment.

This bill would establish the Courts-Martial Appellate Panel. The panel would consist of 3 justices to be appointed by the Governor. The bill would require a justice to sit on the panel for a 4-year term or until his or her resignation. The bill would authorize the panel to be convened by the President of the United States, the Governor, or the Adjutant General. Under the bill, the panel would have power over the issuance of extraordinary writs relative to specified matters and adjudicating appeals of sentences of a court-martial. The bill would require precedential decisions of the Courts-Martial Appellate Panel to be posted in a conspicuous place.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 450 of the Military and Veterans Code  
2 is amended to read:

3 450. The military courts of this State are: (a) general  
4 courts-martial; (b) special courts-martial; (c) summary  
5 courts-martial; ~~and~~ (d) courts of inquiry; *and (e) Courts-Martial*  
6 *Appellate Panel.*

7 SEC. 2. Section 455.1 is added to the Military and Veterans  
8 Code, to read:

9 455.1. (a) The Courts-Martial Appellate Panel shall consist  
10 of three justices to hear matters described in Section 458.1. The  
11 Governor, by general order, shall appoint the three justices who  
12 have experience and training in the field of military law. The panel  
13 shall conduct itself as a three-justice court.

14 (1) A justice shall not be liable civilly or criminally for any act  
15 or acts done by them in the performance of his or her duty, as  
16 described in Section 472.

17 (2) A justice shall be subject to a code of judicial conduct in  
18 accordance with applicable the United States Army and the United  
19 States Air Force regulations.

20 (3) A justice shall sit for four years upon which his or her  
21 appointment shall be terminated or upon acceptance of his or her  
22 resignation by the Adjutant General, whichever occurs first.

23 (4) A justice shall be paid at the rate of a federal O-6, a military  
24 pay grade, only while in session.

25 (b) The Courts-Martial Appellate Panel may be convened by  
26 the President of the United States, the Governor, or the Adjutant  
27 General.

28 SEC. 3. Section 458.1 is added to the Military and Veterans  
29 Code, to read:

1 458.1. The Courts-Martial Appellate Panel shall have power  
2 over the following:

3 (a) The issuance of extraordinary writs relative to all matters  
4 arising under the following:

5 (1) The provisions of this code.

6 (2) The Uniform Code of Military Justice.

7 (3) Any regulation issued by the Governor pertaining to  
8 members of the California active militia.

9 (4) Court-martial actions pending before any military judge of  
10 the California Military Department.

11 (b) Adjudicating appeals of sentences of a court-martial that  
12 have been approved by the convening authority, as described in  
13 Section 455.1, and which include:

14 (1) Dismissal, in the case of a commissioned or warrant officer.

15 (2) Dishonorable discharge, in the case of an enlisted man or  
16 woman.

17 (3) Bad-conduct discharge, in the case of an enlisted man or  
18 woman.

19 (4) Forfeiture of all pay and allowances.

20 (5) Any confinement.

21 (c) The practices and procedures of the Courts-Martial Appellate  
22 Panel shall follow the federal Manual for Courts-Martial described  
23 in Section 102 and the California Manual for Courts-Martial.

24 SEC. 4. Section 458.2 is added to the Military and Veterans  
25 Code, to read:

26 458.2. With regard to any matter adjudicated by the  
27 Courts-Martial Appellate Panel, the reported decisions of the  
28 United States Court of Appeals for the Armed Forces shall have  
29 direct precedential authority to such matters unless otherwise  
30 directed by the Courts-Martial Appellate Panel. Precedential  
31 decisions of the Courts-Martial Appellate Panel shall be posted in  
32 a conspicuous place.

33 SEC. 5. No reimbursement is required by this act pursuant to  
34 Section 6 of Article XIII B of the California Constitution because  
35 the only costs that may be incurred by a local agency or school  
36 district will be incurred because this act creates a new crime or  
37 infraction, eliminates a crime or infraction, or changes the penalty  
38 for a crime or infraction, within the meaning of Section 17556 of  
39 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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